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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO

10 In re

11 PLAN COMPLIANCE GROUP, LTD.,
12 Debtor.

Case No.: 3:07-cv-03713 MJJ

**DECLARATION OF WILLIAM E.
ADAMS IN RESPONSE TO THE
COURT'S ORDER TO SHOW CAUSE**

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14
15 JOHN T. KENDALL, Chapter 7 Trustee,
16 Plaintiff,
17 vs.
18 HARTFORD FIRE INSURANCE
19 COMPANY, a Connecticut Corporation,
20 Defendant.

21 I, WILLIAM E ADAMS, declare as follows:

22 1. I am a partner with the law firm Fitzgerald Abbott & Beardsley LLP, and
23 represent Plaintiff John T. Kendall, Chapter 7 Trustee, a party to this action. I have personal
24 knowledge of the matters set forth herein, unless otherwise stated on information and belief, and
25 if called as a witness, I could and would competently testify thereto.

26 2. On November 16, 2007, I received, though electronic service, the Court's Order

1 To Show Cause of that same date. In the its Order, the Court instructed Plaintiff to show good
2 cause, in writing by December 11, 2007, why no opposition or statement of non-opposition had
3 been filed to filed to date, and why any tardy filing should be considered in light of the
4 applicable local rules and this Court's Standing Order for civil cases.

5 3. I only became aware that the Plaintiff's opposition was tardy upon receipt of the
6 Court's November 16, 2007 Order To Show Cause. I had previously believed that the deadline
7 to oppose the motion to withdraw by Defendant Hartford Fire Insurance Company was
8 November 20, 2007. My belief was based upon a reliance on a computer calendaring program
9 that set the date to November 20, 2007. It is now my understanding that this discrepancy was
10 due to the program's erroneous application of bankruptcy court deadlines to this district court
11 matter. Please find a printout of the calendaring data applicable to this matter, as relied upon me
12 here, attached hereto as Exhibit "A." As seen on page 2 of Exhibit A, November 20, 2007 is
13 listed as the last date upon which to file and serve an opposition to Defendant's motion.

14 4. I regret the delay and inconvenience caused by this calendaring error and
15 respectfully request that the Court fully consider Plaintiff's opposition, filed concurrently
16 herewith, in its determination of Defendant's motion to withdraw.

17 I declare under penalty of perjury as set forth under the laws of the United States that the
18 foregoing is true and correct and that this declaration was executed on November 21, 2007, in
19 Oakland, California.

20 
21 _____
22 William E. Adams
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EXHIBIT A

Matters Listing with Events Reports

Search Description:
7810-23678 - Matter

Client	Matter Description	Area of Law	Matter ID
Kendall, John	U.S. Bankruptcy Court, Northern District of	Bankruptcy	7810-23678
Event Date	Initials	Notes	
5/18/2007	WEA, DN, MDG, MVE, SJ	Complaint filed	
5/25/2007	WEA, DN, MDG, MVE, SJ	Summons issued (on a complaint)	
5/31/2007	MVE, SJ, WEA, DN, MDG	KENDALL Complaint served on HARTFORD FIRE INS by hand - accepted by Hartford's attorney	
6/7/2007	WEA, DN, MDG, MVE, SJ	First day a party may move, with or without affidavits, for summary judgment (unless the adverse party has already served a summary judgment motion)	
6/11/2007	MVE, SJ, WEA, DN, MDG	L/D to serve and file a written jury demand (when the complaint is the last pleading directed to a jury issue)	
6/25/2007	WEA, DN, MDG, MVE, SJ	L/D Defendant HARTFORD INSURANCE to plead in response to the complaint or to move for a more definite statement or to move to strike (which when filed by non-governmental corporate parties must be accompanied by a Disclosure statement) (or within twenty (2) days following the service of a summons on the initial pleading in a removed action, or within five (5) court days after the filing of a notice of removal, whichever is later) (except when the served party is the United States or an agency or corporation of the United States or an Officer or employee of the United States sued in his or her individual or official capacity)	
6/25/2007	WEA, DN, MDG, MVE, SJ	L/D Plaintiff KENDALL to amend the complaint as a matter of course (when no responsive pleading to the complaint has been served)	
6/28/2007	MVE, SJ, WEA, DN, MDG	HARTFORD FIRE INS Answer served (by mail, electronic means or otherwise under FRCP 5(b)(2)(c) or (d))	
7/3/2007	MVE, SJ, WEA, DN, MDG	L/D for the parties to confer to consider the nature and basis of their claims and defenses, the possibility for settlement or resolution, to make or arrange for frcp 26(a)(1) disclosures and to develop a discovery plan. **advisory: once this scheduling conference has been scheduled, docket the frcp 26(f) conference event to generate the deadlines to make initial disclosures and to submit the discovery plan -- Discovery Conference (in person or by telephone) - Kendall to initiate contact re: arrangement of conference, arrange to make initial disclosures required by Rule 26(a)	
7/9/2007	MVE, SJ, WEA, DN, MDG	L/D HARTFORD FIRE INS the defending party may file a third-party complaint without leave of court	
7/11/2007	WEA, DN, MDG, MVE, SJ	L/D to file and serve the motion, the notice of hearing, supporting declarations and memoranda (unless made during course of trial)	
7/18/2007	MVE, SJ, WEA, DN, MDG	L/D HARTFORD FIRE INS to amend the answer as a matter of course (if the action has not been placed on the trial calendar)	
7/23/2007	MVE, SJ, WEA, DN, MDG	L/D KENDALL to move to strike HARTFORD FIRE INS answer	
7/25/2007	MVE, SJ, WEA, DN, MDG	Scheduling conference or scheduling order due	
7/25/2007		L/D KENDALL to file and serve opposition or statement of no opposition TO	

Matters Listing with Events Reports

Search Description:
7810-23678 - Matter

Client	Matter Description	Area of Law	Matter ID
	WEA, DN, MDG, MVE, SJ	HARTFORD FIRE INS MOTION FOR WITHDRAWAL OF REFERENCE	
7/25/2007 9:30 AM	WEA, DN, MDG, MVE, SJ	Initial status conference in an adversary proceeding, U.S. Bankruptcy Court, N. District of Calif., ROOM 220, 1300 Clay St., 2nd Floor	
7/30/2007	WEA, DN, MDG, MVE, SJ	L/D HARTFORD FIRE INS to file and serve reply RE MOTION FOR WITHDRAWAL OF REFERENCE	
8/8/2007 9:30 AM	WEA, DN, MDG, MVE, SJ	Hearing on HARTFORD FIRE INS Motion for WITHDRAWAL OF REFERENCE, US Bkrpcty - Oakland, 9:20 am, Crtrm: 220.	
8/24/2007	WEA, DN, MDG, MVE, SJ	L/D to serve and file a certification of discussion and consideration of adr options	
9/17/2007	WEA, DN, MDG, MVE, SJ	L/D for PCG to deliver or mail the summons and complaint (if service made pursuant to frcp 4(e)-(j) or by any authorized form of mail)	
9/17/2007	WEA, DN, MDG, MVE, SJ	L/D for the plaintiff PCG to serve the summons and complaint	
9/28/2007	MVE, SJ, WEA, DN, MDG	L/D for the court to enter a scheduling order (and within ninety (90) days after the appearance of a defendant, whichever is earlier)	
10/11/2007	MDG, MVE, SJ, DN, WEA	L/D to give notice by mail of the hearing on an entity's request for compensation or reimbursement of expenses	
10/31/2007 10:00 AM	MDG, MVE, SJ, DN, WEA	Hearing on FABs request for compensation and reimbursement of expenses - Chief Judge Randall S. Newsome presiding, Oakland Bankruptcy Court	
11/6/2007	DN, WEA, MVE, MDG, SJ	L/D to file and serve the motion, the notice of hearing, supporting declarations and memoranda (unless made during course of trial)	
11/20/2007	DN, WEA, MVE, MDG, SJ	L/D to file and serve opposition or statement of no opposition	
11/21/2007	DN, WEA, MVE, MDG, SJ	L/D to file and serve reply	
12/4/2007	DN, WEA, MVE, MDG, SJ	Motion hearing date re withdrawal of reference, 9:30am	